

1

ID Number		Custodian	Subject	Author	To	Filename	Claim	Privilege Statement
3	DOC_0000840	Senator Bettencourt	Longoria Untruths and Misleading Statements	Alan Vera	Sonya Aston (Bettencourt GC)	File name omitted because it contains privileged information	Attorney Client; Work Product; Legislative	Confidential correspondence between legislator's attorney and non-legislative third-party, part of a pre-existing relationship, for the purpose of considering pending legislation.
4	DOC_0000845	Senator Bettencourt		Alan Vera	Sonya Aston (Bettencourt GC)	Huckabee article.pdf	Attorney Client; Work Product; Legislative	Confidential correspondence between legislator's attorney and non-legislative third-party, part of a pre-existing relationship, for the purpose of considering pending legislation.
5	DOC_0000850	Senator Bettencourt	The rest of Longoria	Alan Vera	Sonya Aston (Bettencourt GC)	Rest of IL comments email.pdf	Attorney Client; Work Product; Legislative	Confidential correspondence between legislator's attorney and non-legislative third-party, part of a pre-existing relationship, for the purpose of considering pending legislation.
6	DOC_0000865	Senator Bettencourt	FW: Alan Vera Complaints - Referral Letters	Alan Vera	Sonya Aston (Bettencourt GC)	SOS Complaints.pdf	Attorney Client; Work Product; Legislative	Confidential correspondence between legislator's attorney and non-legislative third-party, part of a pre-existing relationship, for the purpose of considering pending legislation.
7	DOC_0000868	Senator Bettencourt	TLR/TPPF/HCRP BSC Collaboration	Alan Vera	Sonya Aston (Bettencourt GC)	File name omitted because it contains privileged information	Attorney Client; Work Product; Legislative	Confidential correspondence between legislator's attorney and non-legislative third-party, part of a pre-existing relationship, for the purpose of considering pending legislation.
8	DOC_0000869	Senator Bettencourt		Sonya Aston (Bettencourt GC)	Sonya Aston (Bettencourt GC)	File name omitted because it contains privileged information	Attorney Client; Work Product; Legislative	Email forwarding contents of confidential correspondence between legislator's attorney and non-legislative third-party, part of a pre-existing relationship, for the purpose of considering pending legislation. This document was kept in Senator Bettencourt's personal file, revealing his thoughts and mental impressions
34	DOC_0001055	Senator Bettencourt	Potential election code violations, please review	Don Barber (Bettencourt Leg. Dir.)	Ryan Fisher (OAG); Benjamin Barkley (Bettencourt Staffer); Marc Salvato (Bettencourt COS)	2020-08 Potential election code violations, please review (EMAILS).pdf	Attorney Client; Legislative; Investigative	Correspondence from legislator's staff to Office of Attorney General, concerning an election complaint, considered when drafting legislation, revealing legislator's mental impressions
37	DOC_0000226	Representative Cain				CSHB2478 by Harris.docx.pdf	Attorney Client; Work Product; Legislative	A draft of CSHB2478, prepared by the Texas Legislative Council, that contains highlights and markings, revealing legislator's mental impressions.

While work product and attorney-client privilege were initially asserted on these ten documents to make clear that the involvement of attorneys in those emails did not affect a waiver of legislative privilege, the Third-Party Legislators now conclude that withdrawing the claims of work product and attorney-client privilege for these documents will help simplify the Court's analysis of legislative and, where asserted, investigative privilege.

Additionally, the Third-Party Legislators wish to advise the Court of a single challenged document included in the LULAC Plaintiffs' Appendix that was not completely withheld, but rather was produced with redactions. That document was listed in the privilege log as PDOC_00003958 and was challenged by the LULAC Plaintiffs by its inclusion in row 30 of Table A of the Appendix to their motion. *See* ECF 392 at App247. The document was produced, with the legislator's handwritten note redacted, under bates number TXLEG_0001647. The document is attached as an exhibit to this advisory for the Court's further consideration.

Date: May 19, 2022

KEN PAXTON
Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General

Respectfully submitted.

/s/ Patrick K. Sweeten
PATRICK K. SWEETEN
Deputy Attorney General for Special Litigation
Tex. State Bar No. 00798537

WILLIAM T. THOMPSON
Deputy Chief, Special Litigation Unit
Tex. State Bar No. 24088531

KATHLEEN T. HUNKER
Special Counsel
Tex. State Bar No. 24118415

LEIF A. OLSON
Special Counsel
Tex. State Bar No. 24032801

Office of the Attorney General
P.O. Box 12548 (MC-009)
Austin, Texas 78711-2548
Tel.: (512) 463-2100
Fax: (512) 457-4410
patrick.sweeten@oag.texas.gov
will.thompson@oag.texas.gov

Counsel for State Defendants

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) on May 19, 2022, and that all counsel of record were served by CM/ECF.

/s/ Patrick K. Sweeten
PATRICK K. SWEETEN
Deputy Attorney General for Special Litigation